

Message

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sufficient for you to believe that the dates agreed upon were real.

Please sign the enclosed Stipulation and return it to me or if the dates are not acceptable, please contact me so that we can again propose dates that are acceptable to you.

Crystal S. A. Scott, Esq.
 The Bostany Law Firm
 40 Wall Street, 61st Floor
 New York, New York 10005
 T: 212-530-4410
 F: 212-530-4488
 E: crystal.scott@bozlaw.com

From: Robert Grand [mailto:rgrand@dreierllp.com]
Sent: Monday, January 14, 2008 2:36 PM
To: crystal.scott@bozlaw.com
Cc: Ira S. Sacks; dana.melis@bozlaw.com; John Bostany
Subject: RE: Retailer Depositions

Ms. Scott,

I've seen your December 12 letter and my response. I still do not agree that there was any agreement from our perspective on the dates and times of those depositions. We certainly would not have been a "no show" to a deposition that we had scheduled, either intentionally or unintentionally.

Please let me know if the proposed dates work for Plaintiff.

Robert J. Grand
 Partner

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-----Original Message-----

From: Crystal S. A. Scott [mailto:crystal.scott@bozlaw.com]
Sent: Monday, January 14, 2008 2:04 PM
To: Robert Grand
Cc: Ira S. Sacks; dana.melis@bozlaw.com; 'John Bostany'
Subject: RE: Retailer Depositions

Mr. Grand

I don't know why you would be confused. On December 13 you acknowledged receipt of my December 12 letter wherein I accepted all of your proposed dates, 2 of which were on definite dates, Jan. 7 (Wink) and Jan. 15 (Intermix). Another copy of my Dec. 12 letter is attached.

You responded on Dec. 13 as follows: "I had not seen Ms. Scott's letter before this evening. It does answer most questions raised in my letter. The one question still is with respect to Mr. Tierney's deposition".

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From: Robert Grand [mailto:rgrand@dreierllp.com]
Sent: Monday, January 14, 2008 12:34 PM
To: crystal.scott@bozlaw.com
Cc: Ira S. Sacks; dana.melis@bozlaw.com; John Bostany
Subject: RE: Retailer Depositions

Ms. Scott,

Apparently there has been a miscommunication regarding the Intermix and Wink depositions. As I recall, in

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December, before the break, the depositions of the retailer defendants were noticed for December 17 and December 27 and 28. We notified you that those dates were not good and did provide you with alternative dates for some of the retailer defendants. With respect to WINK, we informed you that a witness from WINK could be available during the week of January 7 or after. We never agreed to a date during that week, or anytime thereafter.

Similarly, as to the Intermix deposition you refer to for tomorrow, I recall that we informed you that a witness from Intermix would not be available until mid-January. Again, we never agreed to a deposition for tomorrow.

In the future, and to avoid additional miscommunication, please confirm the date and start time of depositions with our office in advance, rather than to presume that a deposition has been scheduled on available dates that we may have suggested.

In view of the foregoing, I will reach out to representatives from WINK and Intermix for available dates and get back to you.

Sincerely,

Robert J. Grand
Partner

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-----Original Message-----

From: Crystal S. A. Scott [mailto:crystal.scott@bozlaw.com]
Sent: Monday, January 14, 2008 11:22 AM
To: Robert Grand
Cc: Ira S. Sacks; dana.melis@bozlaw.com; 'John Bostany'
Subject: Retailer Depositions

Mr. Grand

Please confirm that you will appear for the INTERMIX deposition which was rescheduled on consent to tomorrow Jan. 15.

We continue to await dates for the TIERNEY & KLINE depositions.

Also, please note that defendant WINK no showed at the deposition that was set for Jan. 7

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From: Andrew T. Sweeney [mailto:andrew.sweeney@bozlaw.com]
Sent: Thursday, December 27, 2007 12:45 PM
To: 'Robert Grand'
Cc: 'Ira S. Sacks'; crystal.scott@bozlaw.com; dana.melis@bozlaw.com; 'John Bostany'
Subject: RE: Tierney deposition and documents

Where are we with this? We need the documents and a new date for the deposition

From: Robert Grand [mailto:rgrand@dreierllp.com]
Sent: Friday, December 14, 2007 10:46 AM
To: john@bozlaw.com; Andrew Sweeney
Cc: Ira S. Sacks
Subject: RE: Tierney deposition

I spoke with the client yesterday and the majority of documents (though there are not very many at all) will not be ready to be turned over today. He is still pulling together purchase/sales related documents, which were a bit difficult to extract. The Tierney documents I can send to you today appear to be old screenshots captured from a website showing Charlotte Solnicki merchandise and comprise less than 10 pages. Based on this, it doesn't seem to make sense to go forward on Monday.

Robert J. Grand